IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 20706 of 2007(M)

PETITIONER:

WILSON K.J. @ WILSON K. JOSEPH,
S/O. JOSEPH, AGED 43 YEARS, KOCHUKUNNEL HOUSE,
VIRUPPAKKA VILLAGE, DESOM, VIRUPPAKKA,
TALAPPILLY TALUK, THRISSUR DISTRICT.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:

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1. DISTRICT COLLECTOR,
THRISSUR-3.

2. TAHSILDAR,
TALAPPILLY TALUK, WADAKKANCHERRY P.O.,
THRISSUR DISTRICT.

3. VILLAGE OFFICER,
ATTUR VILLAGE, ATTOOR, WADAKKANCHERRY (VIA.),
THRISSUR DISTRICT.

4. ASSISTANT ENGINEER,
MINOR IRRIGATION DEPARTMENT, WADAKKANCHERY P.O.,
THRISSUR DISTRICT.

5. SPECIAL TAHSILDAR,
LAND ASSIGNMENT, UNIT NO.1, THRISSUR-20.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 20706 of 2007

Dated this the 11th day of September, 2007

J U D G M E N T

The prayer in this writ petition is to direct the respondents 1 to 4 not to evict the petitioner from the property that is the subject matter of Exhibit-P7 document, until further proceedings initiated under the Kerala Land Assignment (Regularisation of Occupation of Forest Lands Prior to 1.1.1977) Special Rules 1993 are finalised. It is seen that the petitioner got title in respect of the property in question by Exhibit-P7 document dated 18.5.2007 from one Sri. Jacob.

2. The facts would show that Sri. Jacob has been fighting litigation against the Government from 1975 and by the time he realised that he has reached the final stage and that the forest land will have to be returned to the Government he sold the forest land by Exhibit -P7 document to the petitioner.

3. The claim raised by the petitioner for regularisation in terms of the Special Rules, 1993 mentioned above also does not appear to be of any bona fides. This is for the reason that evidently the petitioner came in possession of the land subsequent to 18.5.2007, when he got the land by Exhibit-P7.

The Rules in question enables regularisation of occupation of forest lands prior to 1.1.1977.

4. Admittedly, the petitioner's occupation is only since 2007. Therefore, even prima facie he is not entitled the benefit of the Rules. Hence I do not find any bona fides in the request of the petitioner that the impugned proceedings should be deferred until the finalisation of the proceedings under the Special Rules, 1993.

5. Even apart from all that the cause of action for this writ petition is only a newspaper report. This court will not be justified in taking cognizance of newspaper reports and entertain this writ petition on that basis only.

For these reasons, I do not find any merit in this writ petition and it is dismissed.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007